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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/108,715	07/01/1998	KOICHI NAGATA	05058/72201	2753

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EXAMINER

GRANT II, JEROME

ART UNIT PAPER NUMBER

2626

DATE MAILED: 08/06/2003

25

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/108,715

Applicant(s)

NAGATA, KOICHI

Examiner

Jerome Grant II

Art Unit

2626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-15.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 25.
10. ☐ Other: _____

JEROME GRANT II
PRIMARY EXAMINER

Art Unit: 2626

Supplement to the Advisory Action

With respect to applicant's argument found at page 2, applicant argues that the Gordon reference does not teach deleting a confidential transmission when notification of the transmission has been detected by the notification data transmission means.

The examiner has identified the notification transmission means as file 90 (middle of page 2 of the office action). The examiner notes that in applicant's response, no mention is made of file 90, nor does applicant mention how or why file 90 could not or did not perform the function of the notification data transmission means. Furthermore, at line 6 of the examiner's office action, the examiner specifically relied upon col. 8, lines 1-10 and col. 9, lines 35-40 of the Gordon reference as a teaching for the notification of the data transmission means. Yet, applicant had not even referred to these sections, which examiner relied upon as support, to refute the examiner's rejection. Instead, applicant relied upon some irrelevant and extraneous section of the reference in support of a position the examiner did not advance. Applicant's method of argument is not persuasive in that applicant has not answered the examiner's rejection with respect to the limitations and sections of Gordon specifically relied upon.

Art Unit: 2626

At page 4, last paragraph, applicant alleges that “Gordon does not disclose or suggest that image data is deleted in response to the completion of transmission of notification data to the origin.” Applicant’s contention is strongly traversed by the examiner.

Gordon teaches an original transmission SAFF 8 and a destination SAFF 18. Each SAFF contains a Host which records the arrival time and other pertinent information about the fax message in a Call Status file 90 (see col. 8, lines 5-7). Lines 7-10 of col. 8, state that, “... the host... sends a status update back to the originating SAFF.....”

Consider the teaching of Gordon at col. 8, lines 52-63. Here, a document has been sent to the SAFF 18 but has not been successfully transmitted to the destination fax machine 28. Lines 52-55 indicate that a delivery report is sent to the originating machine 1 through element 9 of SAFF 8. In response to the notification to the originating fax machine, an operator gains access to the overall system to instruct the host computer at the destination side (SAFF 18) as to how to handle the received document. Col. 8, line 62 specifically states that the document can be deleted. Hence, the document is deleted after a notification is sent to it by the Host of SAFF 18. This is clearly the limitation of claim 1, which is clearly anticipated by Gordon.

Art Unit: 2626

In response to applicant's arguments at the top of page 5, it is alleged that claims 2-10 are allowed because claim 1 is allowed. Applicant's argument is incorrect based upon the explanation provided above.

In the middle of page 5, applicant alleges that claims 11 and 12 are allowed for the reason that Gordon does not teach upon a detection of proper completion of transmission of notification indicating that confidential image data has not been outputted from the memory.

The examiner notes that applicant's statement here is a mere allegation. Applicant's contention is unfounded and unsupported in that no proof is set forth in support for applicant's contention. The examiner has set forth an entire page worth of arguments and contentions, setting forth sections in the Gordon reference and specific elements, clearly labeled. Yet, applicant has not shown how or why the specific elements proffered by the examiner do not addressed the claimed limitation. The examiner has clearly and convincingly shown through analysis, with column and line numbers and element labels how the claim limitations have been met. Applicant has not even addressed the examiner's rejection in view of the limitations relied upon.

Art Unit: 2626

Applicant's mere allegation without specific proof is clear and convincing evidence that the rejection is proper and that claims 11 and 12 are clearly anticipated by Gordon.

With respect to claim 13, applicant states that Gordon does not teach deleting confidential image data from the memory in response to a detection of the proper completion of transmission of the notification.

The examiner notes again that applicant's statement is a mere allegation. No proof is proffered for the position taken by applicant. However, the examiner notes that applicant's argument is similar to that submitted in response to claim 1. For at least the same reasons supporting the rejection of claim 1 found above, the rejection to claim 13 is sustained.

With regard to claim 15, applicant reiterates the arguments presented in claims 1 and 13. It is noted that no proof for applicant's position is proffered. Applicant's contention regarding the allowance of claim 15 is traversed in view of the examiner's position supported above and by the rejection submitted April 7, 2003.

Art Unit: 2626

CONCLUSION

Upon further consideration, claims 1-15 maintained rejected over Gordon.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.


JEROME GRANT II
PRIMARY EXAMINER